

Hellerstein, A.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/13

ALDO VERA, JR., as Personal  
Representative of the Estate of Aldo Vera,  
Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA

Defendant,

v.

DEUTSCHE BANK TRUST COMPANY  
AMERICAS;

COMMERZBANK, AG; and

RBS CITIZENS, N.A.

Garnishees.

12 Civ. 1596 (AKH)

STIPULATION AND ~~PROPOSED~~  
ORDER PERMITTING LIMITED  
INTERVENTION PURSUANT TO  
FRCP 24(a)(2)

WHEREAS, there is now pending before the Court Turnover Motions which Plaintiff Aldo Vera, Jr. filed against Garnishees Deutsche Bank Trust Company Americas ("DBTCA"), Commerzbank AG ("Commerzbank"), and RBS Citizens, N.A. ("RBS Citizens") seeking to execute on certain assets that are allegedly the property of the Republic of Cuba, its agencies and instrumentalities, in the custody of DBTCA, Commerzbank, and RBS Citizens; and

WHEREAS, Petitioners in the case known as *Jeannette Hausler et al. v. Republic of Cuba et al.*, No 09-10289 (S.D.N.Y.) (J. Marrero) assert a priority to the above-referenced assets in the custody of DBTCA, Commerzbank, and RBS Citizens; and

WHEREAS, Petitioners in the case known as *Jeanette Hausler et al. v. Republic of Cuba et al.*, No 09-10289, assert that unless they are permitted to intervene herein their ability to protect their claimed interest will be impaired within the meaning of FRCP 24(a)(2); and

WHEREAS, the Honorable Victor Marrero by Endorsement dated May 9, 2013 (*Hausler* docket ECF #596) directed the dispute over priority to assets at DBTCA to be addressed as part of Vera's Turnover Motion in this Court; and

WHEREAS, Petitioners in *Jeanette Hausler et al. v. Republic of Cuba et al.*, No 09-10289 will file in this Court any motion or brief in support of their priority to the above-referenced assets in the custody of DBTCA, Commerzbank, and RBS Citizens on or before May 31, 2013.

NOW THEREFORE, the parties hereto stipulate and agree as follows:

1. Petitioners in *Jeanette Hausler et al. v. Republic of Cuba et al.*, No 09-10289, may intervene in the Turnover Motions pending in this Court against DBTCA, Commerzbank and RBS Citizens for the purposes of asserting priority and entitlement to the above-referenced assets in the custody of these Garnishees pursuant to FRCP 24(a)(2).
2. This stipulation is without prejudice to any position taken by any of the parties to this proceeding (including Intervenor Hausler) with respect to any pending motions, including but not limited to the Turnover Motions filed by Petitioner Aldo Vera, the Cross-Motion to Stay Proceedings filed by DBTCA (*Vera* docket ECF # 119), and the Cross-Motion to Stay filed by RBS Citizens (*Vera* docket ECF # 110).

AP

Dated: New York, New York  
May 16, 2013


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So Ordered:

Alvin K. Hellerstein, U.S.D.J

Respectfully submitted,

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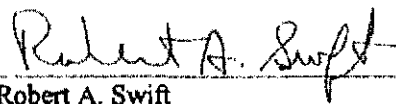
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5/17/13

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